UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO,

Plaintiff,

vs. No. 1:14-cv-00695-JAP/SCY

DEPARTMENT OF THE INTERIOR and **SALLY JEWELL**, in her official capacity as Secretary of the Interior,

Defendants,

and

PUEBLO OF POJOAQUE, a federally-recognized Indian Tribe,

Intervenor Defendant.

SUMMARY JUDGMENT

This Court has entered a MEMORANDUM OPINION AND ORDER ("Order") (Doc. No. 48) granting Plaintiff New Mexico's MOTION FOR SUMMARY JUDGMENT (Doc. No. 39). As detailed in the Court's Order, the regulations in 25 C.F.R. § 291 *et seq.* are contrary to the plain text of the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 *et seq*. Accordingly, Summary Judgment is entered in favor of Plaintiff New Mexico. The Court grants the following relief under 28 U.S.C. §§ 2201–2202, and 5 U.S.C. § 702:

(1) Part 25 C.F.R. § 291 *et seq.* is declared invalid and unenforceable as applied to New Mexico and its current negotiations with the Pueblo of Pojoaque over a renewed gaming compact; and

(2) Defendant Sally Jewell, Secretary of the Interior, and her delegate Paula Hart, Director of the Office of Indian Gaming, are permanently enjoined from enforcing 25 C.F.R. § 291 *et seq.* as they relate to the Pueblo of Pojoaque's request for procedures dated May 9, 2014.

SENIOR UNITED STATES DISTRICT JUDGE